REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 8-10, 12, 15, 16, 18, 19, 22-25, 35-43, 45-53, and 56-59 are pending in this application. Claims 1, 18, 38, 50, and 56 are amended. Claims 1, 18, 38, 50, and 56 are the independent claims.

Claim Objections

Claims 1, 18, 38, 50, and 56 are objected to because the Examiner alleges that the limitations "each of the data units" and "each of said data units" should be changed. The Applicant does not agree with the objections. However, to forward prosecution, amendments to the claims have been made. The Applicant believes that the amendments made to the claims obviate the claim objections. The Applicant respectfully requests that the claim objections to claims 1, 18, 38, 50, and 56 be removed.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-4, 8, 13, 16, 19, 24, 25, 36-41, 46-51, 53, and 56-59 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2002/0085466 to Shim ("Shim") in view of U.S. Patent Publication 2002/0060968 to Senshu ("Senshu") and further in view of U.S. Patent 6,938,162 to Nagai et al. ("Nagai"). The Applicant notes that in paragraph 6 of the Office Action on page 3, independent claim 18 was not listed as rejected. However, below the paragraph heading, rejections of independent claim 18 are discussed. Therefore, the Applicant believes that the listing of the claims rejected in paragraph 6 inadvertently left out

claim 18 and therefore has responded as if independent claim 18 had been rejected along with independent claims 1, 38, 50, and 56 for the reasons set forth in paragraph 6 on page 3 of the Office Action. These rejections are respectfully traversed.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant asserts that neither Shim, Senshu, nor Nagai, either separately or in combination, teach or suggest all of the limitations set forth in the claims, nor has there been a clear articulation made of why the differences between the prior art and the claims would have been obvious to one of ordinary skill in the art.

For example, independent claim 1 recites a high density recording medium including a data unit that includes "data of 4 rows and parity of 4 consecutive rows, each said data row has a sink field of 1 byte and an information field of 4 bytes, and each said parity row has a sink field of 1 byte and a parity field of 4 bytes." The Applicant asserts that the cited references do not teach or suggest the above quoted portion of independent claim 1. The Applicant notes that on pages 3 and 4 of the Office Action it is alleged that language similar to quoted above with respect to claim 1 is found in Shim. Particularly, it is alleged that Shim describes a data unit having 4

rows of data. FIG. 3 of Shim and paragraphs 28 and 33 of Shim are cited to support this assertion.

However, a careful review of the specification and FIG. 3 of Shim yields that item 210 of FIG. 3 is a disk code. Item 212 is an error detecting code. See, for example, paragraph [0028] of Shim. Even if item 210 were considered to correspond to the claimed information field, the disk code of 210 only has three rows. The error detecting code 212 is then shown as a single row. Thus, at best, it could be argued that Shim may describe a data structure having 3 rows of data and 1 row parity. However, this is not what is claimed. What is claimed is data of 4 rows and parity of 4 consecutive rows. Thus, Shim does not teach, suggest or otherwise render obvious all of the features set forth in the claims.

The insufficiencies of Shim are not cured by Senshu or Nagai, nor are they alleged to. Therefore, for at least this reason, the Applicant respectfully asserts that neither Shim, Senshu, nor Nagai, whether taken separately or in combination, teach suggest or otherwise render obvious all of the limitations set forth in independent claim 1. For at least this reason, the Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of independent claim 1 and its corresponding claims be removed.

The Applicant notes that the other independent claims, claims 18, 38, 50, and 56 recite language similar to that quoted and discussed above with respect to independent claim 1. Therefore, the rejections of independent claims 18, 38, 50, and 56 as being rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai also fail for at least the reasons set forth above with respect to independent claim 1. The Applicant respectfully requests that the rejections under 35

U.S.C. § 103(a) of independent claims 18, 38, 50, and 56 and their corresponding dependent claims be removed.

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of U.S. Patent 5,341,356 to Dieleman et al. ("Dieleman"). Claims 9, 12, 35, and 45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of Alleged Applicant's Admitted Prior Art ("AAPA"). Claims 10, 52, and 58 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of U.S. Patent 7,304,937 to Xie ("Xie"). Claims 13, 14, 23, 44, 54, 55, 60, and 61 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of U.S. Patent 5,124,962 to Haneji ("Haneji"). Claims 15, 17, 22, and 43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of U.S. Patent 6,377,526 to Vining et al. ("Vining"). Claim 42 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim in view of Senshu and Nagai, and further in view of U.S. Patent Publication 2001/0007545 to Ueda et al. ("Ueda"). These rejections are respectfully traversed.

The claims listed above are all dependent claims that depend from one of claims 1, 18, 38, 50, and 56. The other references are not alleged to cure the insufficiencies of Shim, Senshu and Nagai as discussed above. The Applicant respectfully asserts that the claims listed above are patentable at least by reason of their dependency. For at least these reasons, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of the dependent claims listed above be removed.

Obviousness-type double patenting rejection

Claims 1-4, 8, 13, 16-19, 24, 25, 36-42, 46-51, 53, 54, 56, 57, 59, and 60 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu and Shim. Claim 7 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Shim, and Dieleman. Claims 9, 12, 35, and 45 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Shim, and the alleged AAPA. Claims 10, 52, and 58 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Shim and Xie. Claims 14, 23, 44, 55, and 61 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Shim, and Haneji. Claims 15, 22, and 43 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 41, and 42 of copending U.S. Patent Application No. 10/787,159 in view of Senshu, Shim, and Vining.

The Applicant respectfully notes that these rejections are provisional rejections and defers from responding to them at this time. The Applicant notes that the claims currently pending in the present application have been altered. Further, the scope of the claims contained in copending application no. 10/787,159 may change potentially

rendering these double patenting rejections moot. The Applicant will defer from responding to these rejections until such time as the double patenting issue is appropriate for response.

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CONCLUSION

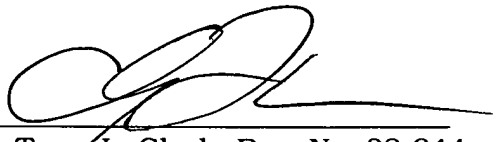
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-4, 8-10, 12, 15, 16, 18, 19, 22-25, 35-43, 45-53, and 56-59 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: 

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